HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.425 of 2007

Between:

P. Narasimhulu

… Appellant

And

The District Collector,
Nellore, Nellore District and six others

… Respondents

::JUDGMENT::

Counsel for the appellant : Shri O. Manohar Reddy

June 4, 2007

Per C.V. Nagarjuna Reddy, J

This appeal is directed against order dated 3.4.2007 passed by the learned Single Judge in Writ Petition No.475 of 2007 whereby he declined to interfere with the decision of District Collector, Nellore (respondent No.1) to bifurcate the fair price shop of Kacheri Devarayapalli into two shops.

The appellant is the Fair Price Shop Dealer of Kacheri Devarayapalli Village, Ananthasagaram Mandal, Nellore District. By an order dated 28.9.2003, Joint Collector, Nellore bifurcated the fair price shop into two and created a new fair price shop with 181 cards. He also directed Revenue Divisional Officer, Nellore (respondent No.2) to take further action for appointment of dealer for the new shop. Thereafter, respondent No.2 issued notification dated 24.11.2003 for appointment of fair price shop dealer. The appellant challenged the same in Writ Petition No.1764 of 2004, which was dismissed by the

learned Single Judge on 5.4.2005 with liberty to the appellant to pursue the revision filed by him before respondent No.1. In compliance of the direction given by the Court, respondent No.1 heard the revision filed by the appellant and set aside the order of the Joint Collector. However, just after one month, respondent No.1 issued order dated 18.12.2006 for bifurcation of the fair price shop. The appellant challenged that order in Writ Petition No.475 of 2007, but could not persuade the learned Single Judge to entertain her grievance.

Shri O. Manohar Reddy, learned counsel for the appellant. He contended that the bifurcation of the fair price shop was made by the Joint Collector only on the basis of the reports of Revenue Divisional Officer, Nellore dated 20.2.2003 and 16.9.2003 and that there was no independent inquiry conducted by the Joint Collector in order to ascertain whether factions in the village really existed giving rise to law and order problem.

We have considered the submission of the learned counsel, but have not felt persuaded to accept the same. The action taken by respondent No.1 to bifurcate the shop is intended to cater the warring groups in the village and this action has not resulted in violation of any of the legal or fundamental right of the appellant.

We are further of the view that the decision taken by the official respondents to bifurcate the shop is a purely administrative decision and in the absence of any mala fide, there is no warrant for the Court's interdiction in the matter.

For the reasons stated above, the writ appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No. 791 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

June 4, 2007

G.S. SINGHVI, CJ

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